

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

May 8, 2007

*****CITY COUNCIL MEETING*****

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Assistant Community Development Director Nick Duerksen; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; Administrative Services Director Art Hunter; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

ABSENT/EXCUSED:

1. Parking Management Ordinances

Ordinance #07-20 amending Title 15 of the revised ordinances of Sandy City (The Land Development Code) by amending Section 15-06-05, "Off-Street Parking Standards"; also providing a saving clause and effective date for the ordinance.

Motion: **Steve Fairbanks** made a motion to table Ordinance #07-20 Parking Management Ordinance for a week and invite the residents near the stadium and east of the South Towne Expo to hear their concerns and comments on the ordinance.

Discussion on the Motion:

Chris McCandless would like to make an amendment to the motion, adding notification of the Public Hearing in a public place, and also a sign posted on the property or immediate vicinity, notifying citizens of the meeting.

Steve Fairbanks then restated the motion to table the ordinance for 3 weeks, posting notification and inviting residents near the stadium site and east of the Expo Center to hear their concerns.

Chris McCandless asked if doing this would create any problems with the ongoing process and time frame of any of the agreements.

Randy Sant reported that tabling this for 3 weeks would not impact any of the agreements. The agreement that will contain the Parking Management Agreement will be the Development Agreement with REAL. Once the Planning Commission, City Council, and RDA Board agree on the Parking Management agreement, the Development Agreement can be finished.

Second: **Steve Smith**

Vote: **Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith – Yes; Tenney – yes.**

Motion Approved: All in favor

2. **Interlocal Agreement / Real**

Resolution #07-22 C approving two Interlocal Cooperative Agreements with respect to a proposed soccer stadium; authorizing the execution and delivery of said Interlocal Cooperative Agreements; and related matters.

Discussion:

Randy Sant reported that there has been some revisions made on the original agreement and resolution, the original Resolution contained two agreements adopting an agreement with the state and the county, after some discussions it is his recommendation to remove the County Agreement from tonight's approval. Mr. Sant then discussed the revised Interlocal Agreement. (Attached Exhibit A) (1) Section 2 of the agreement allows the RDA to acquire the property for the Stadium and lease back to REAL. (2) Section 3 allows the RDA to issue bonds, those bonds will be pledged with the 15% of the 4.25% TRT tax collected in Salt Lake County. (3) Section 4 says the Governor's Economic Development Department agrees to transfer 15% collected each month to RDA to help pay for bonds, (4) Section 5 RDA agrees to develop a development agreement with the terms that the State of Utah has requested. Based on the preoperation of the funds by the Legislature.

Chris McCandless clarified with Randy Sant that this agreement is between Sandy City and the State setting ground rules for the City to add additional criteria into the development agreement, which is not yet in place.

Randy Sant explained that in the Interlocal Agreement says that the City will needs to develop a Development Agreement meeting the minimum terms and reminded them that they had discussed that there will be more than just the minimum terms in the Development Agreement between the Redevelopment agency and REAL.

Chris McCandless clarified that this resolution and agreement is a type of precursor, which gives the City the authority to move forward and create the Development Agreement.

Randy Sant explained that this is actually the agreement that says that the State of Utah agrees to irrevocably pledge to Sandy City 15% of the revenue collected for the Cities use to issue the 35 million dollars in bonds. This is the main reason for this Agreement.

Scott Cowdell reported in advance that he will be voting against this, he does not want to leave the impression that he supports that 1000 stalls will be adequate for onsite parking.

Randy Sant reminded the Council that the Legislature set the terms to have 1000 parking stalls. The document that will bind them will be the Parking Management Agreement.

Motion: **Chris McCandless** made the motion to approve Interlocal Agreement Resolution #07-22C as described and presented by staff.

Second: **Steve Fairbanks**

Vote: Anderson – Yes; Cowdell – No; Fairbanks – Yes; McCandless – Yes; Saville – No; Smith – No; Tenney – yes.

Motion Approved: 4 in favor; 3 opposed

Steve Smith explained his vote against this motion is due to him not having a full knowledge of what is contained in the Interlocal Agreement.

*****At 7:16 P.M. Steve Fairbanks made a motion to adjourn City Council meeting and convene as the Sandy City Redevelopment Agency, Chris McCandless seconded the motion. *****

*****At 7:21 P.M. Bryant Anderson made a motion to adjourn Sandy City Development Agency and reconvene into Sandy City Council meeting, Steve Fairbanks seconded the motion. *****

3. Fischer Meadows Rezoning

Ordinance #07-18 amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 1.30 acres of property located at approximately 430 East Greenwood Avenue (7500 South), from SD (R-1-7) "Residential District" to the R-1-6 "Residential District"; also providing a saving clause and an effective date of the ordinance.

Motion: Steve Fairbanks made the motion to adopt Ordinance #07-18 amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 1.30 acres of property located at approximately 430 East Greenwood Avenue (7500 South), from SD (R-1-7) "Residential District" to the R-1-6 "Residential District"

Second: Chris McCandless

Vote: Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith – Yes; Tenney – Yes.

4. Shulsen Rezoning

Ordinance #07-19 amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 3.03 acres of property located at approximately 10115 South 250 West, from the R-1-40A "Residential District" to the CBD-O "Central Business District-Office"; also providing a saving clause and an effective date.

Discussion: Dennis Tenney reminded the public that these ordinances have already been through the public hearing process.

Motion: Steve Smith made the motion to adopt Ordinance #07-19 amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 3.03 acres of property located at approximately 10115 South 250 West, from the R-1-40A "Residential District" to the CBD-O "Central Business District-Office"

Second: Chris McCandless

Vote: Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith – Yes; Tenney – Yes.

*** At 7:24 P.M. a motion was made to adjourn City Council Meeting and reconvene into Planning Meeting ***

*** At 9:10 P.M a motion was made to adjourn the Planning Meeting and reconvene into City Council Meeting ***

5. Mayor's Report; CAO's Report; Council Office Director's Report; Other Council Business

CAO's Report:

Byron Jorgenson reported that one of our officers was recently in a motorcycle accident. He has received a few surgeries and is reported to be doing well.

Bryon Jorgenson reported that there is a state committee of Judges looking at Justice Courts in the Cities. Some think that Justice Courts don't have enough independence. They are wanting to make all Judges State employees, leaving all other court employees City employees. Sandy City started its Justice Court to take better care of the citizens. Mr. Jorgenson feels it is better for the citizens to have a Justice Court take care of them instead of the State system.

Bryant Anderson feels that Cities who provide their own Court services opens up all kinds of new opportunities of bringing about justice in their communities. When dealing on the State or Federal level, you don't have the same type of contact as you do with the local Justice Courts.

Mayor Dolan reported that since Sandy started their court, numerous cities have started their own also. It is

a great service to the community. He feels it would be difficult for the Legislature to take away the Justice Courts from the Cities.

Council Office Director's Report:

Phil Glenn reported that there have been some changes in the state statutes, municipal planning dates, elections, filing and refilling, largely due to the new electronic voting system, and inefficient response to the necessary dates. In the past dates, primary elections were held in October and General Elections followed 30 days later. They are finding that the electronic voting devices cannot be reprogrammed within that short period of time. The primary election dates have been moved up to the second Tuesday following the first Monday in September. This means the filing date for candidates will be Monday, July 15th, which is a Sunday. However, since it is a Sunday, the statute provides an extra day to file.

Phil Glenn reported that Midvale is holding the first town meeting, on May 16th, regarding the School District Feasibility Study at Midvale Elementary. The meeting for most sandy residents will be held May 31st at Eastmont Middle School.

Chris McCandless asked if the same presentation would be given at both of those town meetings.

John Hiskey reported that it will be Jason Burningham, with Lewis Young, Roberts and Burningham, who will be the primary presenters, along with a question and answer period after the presentation.

Other council business:

1. **Linda Saville** reported that on two articles that were printed in the Salt Lake Tribune this past week. One was in regards to Police Chief Chapman and domestic violence, and the other article was regarding how senior citizens are raising their grandchildren, and how it has become a social issue. She reported that she has a few children at the Sandy Boys and Girls Club who are being raised by their Grandparents. She felt this was a helpful article and encouraged the Council to read it.
2. **Wally Miller** stated that a reconsideration of the previous vote pertaining to the ReAL Interlocal Agreement could be entertained since a few of the Council Members have had a change of opinion on their votes.

Dennis Tenney entertained a motion to reconsider Resolution #07-22 C. According to parliamentary rules; anyone who voted in the majority can ask to have a revote.

2ND VOTE:

Motion: **Bryant Anderson made the motion to bring up the Interlocal Agreement between the State and the City for the Soccer Stadium for reconsideration.**
Second: **Chris McCandless**

Discussion of the motion:

Scott Cowdell explained that he would reconsidering changing his vote in favor of the motion. He reported that he had a conversation with Dean Howes and Randy Sant, Mr. Howes stated that he is willing to add at least a 1000 more parking stalls in the Development Agreement with REAL. These stalls will be added in 2-3 year time span after the development of the soccer stadium.

Linda Saville reported that she would also be changing her vote based on the conversation with Mr. Howes.

Dennis Tenney asked Randy Sant if the Administration could come back in 3 weeks with an in-depth proposal for an onsite parking facility that includes funding options and a time frame.

Scott Cowdell asked Randy Sant to clarify in the agreement who is responsible for building these additional 1000 parking spaces.

Randy Sant noted that Dean Howes did commit that REAL will look at another 1000 stalls to be built

Dennis Tenney stated that all these details will be worked out and specified under ReAL's parking management plan.

Mayor Dolan's explained that his biggest concern was that there was a lack of understanding and a comfort level with this Agreement. He hopes that the Council will all be comfortable with the agreement. He reminded them there is no reason to rush if they still have concerns and questions.

Chris McCandless expressed concern that all of the parking will be put in one location. He feels that would cause too much traffic congestion. He prefers to have the parking dispersed. He is also concerned with the financial mechanisms, and believes that a private enterprise could build a parking structure.

Steve Smith expressed his appreciation for to Randy Sandy for answering and clearly defining his questions regarding the Interlocal Agreement.

Roll Call Vote on motion to reconsider:

Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith; Yes; Tenney – Yes.

Dennis Tenney entertained a motion to vote once more on Resolution #07-22 C, approving an Interlocal Agreement between the State of Utah, represented by the Governors Office of Economic Development and Sandy City as presented previously this evening.

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| Motion: | Steve Smith made the motion to adopt resolution #07-22 C approving an Interlocal Cooperative Agreement with respect to a proposed soccer stadium; authorizing the execution and delivery of said Interlocal Cooperative Agreement; and related matters. |
| Second: | Bryant Anderson |
| Vote: | Smith – Yes; Anderson – Yes; Cowdell – Yes; Saville – Yes; Fairbanks – Yes; McCandless – Yes; Tenney – Yes. |

At approximately 9:35 p.m., Steve Fairbanks made a motion to adjourn Council Meeting and reconvene into RDA meeting, motion seconded by Byrant Anderson.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney
Council Chairwoman

Wendy Densley
Council Executive Secretary

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